

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

In Re: Oscar Enrique Rios
Debtor(s)

Case No: 13-50141-L2-13

TRUSTEE'S MOTION TO DISMISS OR CONVERT TO A CHAPTER 7

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. If a response is filed, a hearing on this motion will be held at 10:00 am on Friday, November 8, 2013 in Courtroom 3C, 1300 Victoria St, Laredo, TX.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

COMES NOW, William E. Heitkamp, Chapter 13 Trustee filing this MOTION TO DISMISS, and would show the Court that the above-referenced case should be dismissed for the following:

1. The debtor has failed to implement a wage deduction order or ACH authorization as required by BLR 1007-1 (d), and 2003-1(c)(7).
2. Payments due Pursuant to 11 U. S. C. 1326 (A) (1), and 1325 (A) (2) have not been made. All payments to the Chapter 13 Trustee must be sent to the following address: P.O. Box 740 Memphis, TN 38101-0740.
3. The Debtors failed to appear for the meeting of creditors; this constitutes a failure to appear in proper prosecution of the case for purposes of subsequent eligibility under 11 U.S.C. Sec. 109.
4. The debtors have not filed their federal income tax return for the following years: 2012. Therefore the debtors are not able to meet the burden of proving that the plan complies with 11 U.S.C. Sec. 1322 (A) (2).
5. The debtor has failed to file or provide all of the information required under 11 U.S.C. Sec. 521(a),(b),(e),(f) and (h), and BLR 1017(a)(4) Specifically, the debtor has failed to file or provide the following:
 - A completed Schedule of Assets and Liabilities on the official form.
 - A schedule of current income and current expenditures .
 - A Statement of Financial Affairs on the official form.
 - Copies of payment advices required by 11 U.S.C. Sec. 521(a)(1)(iv).
 - Completed form B22C, as required by 11 U.S.C. Sec. 521(a)(1)(v).
6. The debtor has not filed a plan pursuant to 11 U.S.C. Sec 1321, within the time prescribed by Bankruptcy Rule 3015(b).
7. The Debtor must file a Plan Summary and Statistical Cover Sheet.

Wherefore, the Trustee prays that the case be dismissed, or converted to Chapter 7, whichever shall be determined to be in the creditors' best interest.

RESPECTFULLY SUBMITTED,

/s/ William E. Heitkamp

WILLIAM E. HEITKAMP, TRUSTEE
ADMISSIONS ID NO. 3857

ADDRESS FOR CORRESPONDENCE ONLY:

9821 KATY FREEWAY, SUITE 590
HOUSTON, TX 77024
(713) 722-1200 TELEPHONE
(713) 722-1211 FACSIMILE

ADDRESS FOR PAYMENTS ONLY:

P.O. BOX 740
MEMPHIS, TN 38101-0740

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent to all parties listed on the matrix on file with the U.S. Bankruptcy Clerk's Office on or about the time this document was electronically filed with the Clerk on 10/9/2013. A copy of the Certificate of Mailing of this document is on file and may be viewed at the U.S. Bankruptcy Clerk's Office.

Electronically signed by

/s/ William E. Heitkamp

William E. Heitkamp, Chapter 13 Trustee